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Attorneys for Plaintiff
FINJAN, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FINJAN, INC.,

Plaintiff,

v.

ZSCALER, INC.,

Defendant.

Case No. 3:17-cv-06946-JST-KAW

**STIPULATION AND ~~PROPOSED~~ ORDER
EXTENDING AMENDED CONTENTION
AND CLAIM CONSTRUCTION DEADLINES**

Ctrm: 9, 19th Floor
Judge: Honorable Jon S. Tigar

Pursuant to Civil L.R. 6-2, 7-12 and Patent L.R. 1-3, Defendant Zscaler, Inc. (“Zscaler”) and Plaintiff Finjan, Inc. (“Finjan”) (collectively, the “Parties”) respectfully and jointly submit the following Stipulation and [Proposed] Order extend the claim construction deadlines set forth previously in Dkt. 98, as granted by Dkt. 105, and the amended contentions deadlines set forth by Dkt. 105. Pursuant L.R. 6-2(a), this stipulated request is supported by the Declaration of Joshua D. Furman in Support of Stipulation and [Proposed] Order Extending Amended Contentions and Claim Construction Deadlines (“Furman Decl.”). In support of the stipulated request, the parties state as follows:

1. Pursuant to the Court’s Order Granting Zscaler’s Motion to Enforce and Motion to Enlarge Deadlines at Dkt. 105, the deadlines for amended contentions and claim construction are currently as set forth below:

Event	Current Date
Service of Further Amended Infringement Contentions	February 27, 2019
Last day to exchange expert declarations regarding claim construction	March 8, 2019
Close of claim construction discovery	March 11, 2019
Finjan’s opening claim construction brief	March 22, 2019
Service of Amended Claim Construction Positions	March 29, 2019
Service of Amended Invalidity Contentions	March 29, 2019
Zscaler’s responsive claim construction brief	April 12, 2019
Finjan’s reply claim construction brief	April 22, 2019
Tutorial	May 14, 2019, 1:30 PM
Claim Construction Hearing	May 28, 2019, 1:30 PM

2. On January 28, 2019, the Court granted (Dkt. 105) Zscaler's Motion to Enforce Order (Dkt. 77) and Motion to Enlarge Deadlines (Dkt. 98). Finjan was ordered to provide further amended infringement contentions within 30 days, i.e., by February 27, 2019, and Zscaler permitted to serve amended claim constructions and invalidity contentions within 30 days of that service, i.e., by no later than March 29, 2019. In order to accommodate the orderly service of amended contentions by both parties in light of the remaining claim construction disclosure and briefing schedule, the parties have agreed to modify the deadlines for exchange of contentions, claim construction disclosures, and opening and responsive briefs, as further outlined below.

3. On January 31, 2019, Finjan requested the scheduling of a deposition of Zscaler, pursuant to Federal Rule of Civil Procedure 30(b)(6) and Civil L.R. 30-1, regarding certain technical topics by February 14, 2019, in advance of its current February 27, 2019 deadline to serve further amended infringement contentions. The parties have agreed to conduct the deposition of Zscaler's designated witness on February 27, 2019, to accommodate the witness's schedule. Accordingly, the parties have further agreed that Finjan's deadline to serve amended infringement contentions should be extended to March 8, 2019.

4. In order to conserve judicial and party resources, the parties have agreed to adjust the amended contentions and claim construction schedule in this case as follows:

Event	Current Date (per Dkt. 105)	Modified [Proposed] Date
Service of Further Amended Infringement Contentions	February 27, 2019	March 8, 2019
Service of Amended Claim Construction Positions	March 29, 2019	March 15, 2019
Last day to exchange expert declarations regarding claim construction	March 8, 2019	March 22, 2019
Close of claim construction discovery	March 11, 2019	March 22, 2019
Service of Amended Invalidity Contentions	March 29, 2019	<i>UNCHANGED</i> March 29, 2019

Event	Current Date (per Dkt. 105)	Modified [Proposed] Date
Finjan's opening claim construction brief	March 22, 2019	April 1, 2019
Zscaler's responsive claim construction brief	April 12, 2019	April 15, 2019
Finjan's reply claim construction brief	April 22, 2019	<i>UNCHANGED</i> April 22, 2019
Tutorial	May 14, 2019, 1:30 PM	<i>UNCHANGED</i> May 14, 2019, 1:30 PM
Claim Construction Hearing	May 28, 2019, 1:30 PM	<i>UNCHANGED</i> May 28, 2019, 1:30 PM

5. This stipulation is without prejudice to Zscaler's right to seek a stay or staging of the case or requesting other case management relief from the Court to account for parallel proceedings involving the asserted patents. Finjan reserves the right to oppose any stay or staging or any prospective "other case management relief" that Zscaler may raise.

6. Aside from those listed above, this stipulation will not change or alter the date of any other event or any other deadline already established by Court order.

7. This stipulation will not change or alter the date of the Claim Construction Reply Brief, Tutorial or Hearing.

8. The schedule in this case has previously been modified with respect to eight events. On January 12, 2018 the parties stipulated to extend the time for Zscaler to respond to the Complaint until February 12, 2018, at Dkt. 14. The settlement conference date was also rescheduled from July 13, 2018 to September 11, 2018 at Dkt. 54, again to September 19, 2018 at Dkt. 67, and again to September 28, 2018 at Dkt. 70. The Court also granted the parties' stipulation to set the deadline for expert claim construction declarations at Dkt. 69, granted the parties' stipulation to extend deadlines for claim construction in Dkt. 74 in view of the court's Order to produce more detailed infringement contentions in Dkt. 72, and rescheduled the deadlines for claim construction briefing at Dkt. 85 in view of the then-pending Motion to Enforce at Dkt. 77, granted the parties' stipulation to extend the deadlines for the Joint

1 Claim Construction Statement and exchange of expert claim construction reports in light of the Order to
2 Show Cause hearing at Dkt. 90, extended the deadlines subject to Zscaler's Motion to Enlarge Deadlines
3 on the Court's own motion at Dkt. 100, and extended the claim construction deadlines in light of the
4 Court's granting Zscaler's Motions to Enforce and Enlarge Deadlines at Dkt. 105.

5 For the foregoing reasons, the Parties respectfully request that the Court modify the amended
6 contentions and claim construction deadlines as set forth above.

7 **IT IS SO STIPULATED.**

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9 Dated: February 25, 2019

DURIE TANGRI LLP

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11 By: /s/ Joshua D. Furman
JOSHUA D. FURMAN

12 Attorneys for Defendant
13 ZSCALER, INC.

14
15 Dated: February 25, 2019

KRAMER LEVIN NAFTALIS & FRANKEL LLP

16
17 By: /s/ Austin Manes
AUSTIN MANES

18 Attorney for Plaintiff
19 FINJAN, INC.

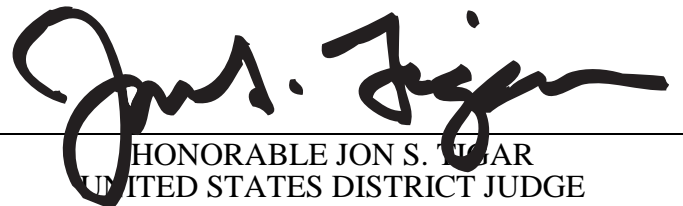
~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, THE SCHEDULE IN THIS CASE IS MODIFIED AS SET FORTH ABOVE AND AS FOLLOWS:

Event	Date
Service of Further Amended Infringement Contentions	March 8, 2019
Service of Amended Claim Construction Positions	March 15, 2019
Last day to exchange expert declarations regarding claim construction	March 22, 2019
Close of claim construction discovery	March 22, 2019
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IT IS SO ORDERED.

Dated: February 27, 2019;


HONORABLE JON S. TIGAR
UNITED STATES DISTRICT JUDGE